

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 93-184 are currently pending in this application. Claim 94 is directed to the elected invention and is amended to correct matters of form, and more generically recite elements of the claimed cyclopalladated compound. Claims 96-97, 100-106, 108-113, 172-173 and 177 are amended to correct matters of form or direct dependency (directly or indirectly) on claim 94 rather than claim 93. Applicant submits that no new matter has been introduced into the application by these amendments.

Examiner Thurman Page is thanked for discussing the restriction requirement with Applicant's representative via telephone on January 11, 2007. Examiner Page and Applicant's representative discussed Invention I and that claims 96-113 should be included in Invention I. Pursuant to this discussion, a new Office Action issued on January 19, 2007 that replaced the November 30, 2006 Office Action. The January Office Action included claims 96-113 in Invention I, and reset the date for reply based on the mailing date of January 19, 2007.

Response to the Restriction Requirement:

Claim 94 is amended to more generically recite the claimed compounds.
Claim 93 originally recited:

...- C represents an atom of carbon with sp² or sp³ hybridization, covalently bonded to the atom of palladium; the ring containing C, Y and D can be constituted of three to eight atoms;

- between C and Y, represented by a curved line, there is a succession of atoms designated as cyclopalladated ring, constituted of three to eight atoms, including the atom of palladium; typically, not excluding any other way, said atoms are chosen from carbon, nitrogen, oxygen or sulphur; each one of these atoms constituting the ring can, on the other hand, be linked to other atoms or groupings, forming variable structures external to the ring, linear or cyclic, for which no specific limitations are known by the Applicant;...

Underlining and italics added. Elements similar to these are incorporated into claim 94 and replace previous claim 94 language related to “C.” As illustrated by the underlined and italicized portions, the cyclopalladated ring constitutes three to eight atoms and include the atom of palladium. One of ordinary skill in the art would readily understand that “the ring containing C, Y and D can be constituted of three to eight atoms” refers to the cyclopalladated ring. Accordingly, these elements were incorporated into claim 94 to recite the features of the cyclopalladated ring, but in a more straight forward manner. Claim 94, as amended, recites:

...- C represents an atom of carbon with sp^2 or sp^3 hybridization, covalently bonded to the atom of palladium; the ring containing C, Y and Pd can be constituted of three to eight atoms;

- between C and Y, represented by a curved line, there is a succession of atoms designated as a cyclopalladated ring

Election of Invention:

The Office Action identified the Inventions as follows:

Group I: claims 93, 96-113, 172-173, and 175-184;

Group II: claim 94;

Group III: claim 95;
Group IV: claims 114-150 and 174; and
Group V: claims 151-171.

Applicant elects the invention of Group II. Amendments to claims 96-97, 99, 100-106, 108-113, 172-173 and 177 are done to correct matters of form (such as to recite markush-type alternative expressions) or to switch dependency. The switch in dependency makes claims 96-113, 172-173, 175 and 177 depend on claim 94 either directly or indirectly. Because these claims are now dependent on claim 94 instead of claim 93, they are appropriately sorted into Group II, rather than Group I.

Applicant respectfully requests examination of all claims in Group II, including claims 94, 96-113, 172-173, and 175-184.

Provisional Election of Species:

The Office Action required a provisional election of species and identified alleged species with respect to claim 93. Because the dependency of claims is switched by the amendment herein to claim 94, the provisional election of species requirement is presumed to follow. In particular, the Office Action identified the following alleged species:

- A. The species of a cyclopalladated **“compound”** of claim 93, the claims are as recited so as not to obfuscate the scope and intent of the applicants, are as follows:
 - a. the plurality of derivatives in claim 96
 - b. the plurality of diseases in claim 106[.]

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Applicant provisionally elects the species of N,N-dimethyl-1-phenethylamine (dmp) from claim 96, and diseases caused by “tumor invasion” from claim 106 for examination. Claims 96, 106, and 107 correspond to the provisionally elected species.

Applicant respectfully submits that claim 94 is generic to all alleged species within Group II. Since all of the alleged species are within claims that are dependent on claim 94, all Group II claims necessarily include all of the limitations of the generic claim. Applicant will be entitled to consideration of all species upon allowance of claim 94. In addition, the handful of species represents no further burden to examination. Applicant respectfully traverses the requirement to provisionally elect a species for examination.

Conclusion

If the Examiner believes that any additional matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application, including claims 94, 96-113, 172-173 and 175-

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184, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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